

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

AMBER E. DURRE,

Plaintiff,

v.

Case No. 6:20-cv-01002-JWL

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, after reviewing the file and being advised by the parties that they have agreed to an award under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in connection with the court-related representation of Plaintiff in this Social Security appeal, finds that reimbursement should be made for attorney's fees in the amount of \$4,088.13.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA attorney fee is payable to the Plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States. In addition, if Plaintiff's counsel ultimately receives an award of attorney fees pursuant to 42 U.S.C. § 406(b), she must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS THEREFORE ORDERED THAT, pursuant to 28 U.S.C. § 2412, Plaintiff is granted attorney's fees under the EAJA in the amount of **\$4,088.13**. The check for attorney's fees should be made payable to Plaintiff and mailed to Plaintiff's attorney's address.

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IT IS SO ORDERED.

Dated this 19th day of August, 2020.

s/ John W. Lungstrum

JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE

APPROVED:

STEPHEN R. McALLISTER
United States Attorney

s/ Michelle A. Jacobs

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Assistant Regional Counsel

*Amber E. Durre v. SSA
Civil Action No. 20-1002-JWL
Order Granting Plaintiff's Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act*

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s/ Kathleen E. Overton

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